

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION



DATE: MAR 8 1972

Public Buildings Service
Washington, D.C. 20405

REPLY TO
ATTN OF: Director, Design and Construction Division, PMC

SUBJECT: Site Acquisition, U.S. Tax Court, Washington, D.C.

Director, Space Management Division, PMR

This is to confirm recent discussions with you and your staff.

We recently discovered that the Center Leg Freeway has a large right of way that in places extends 10 feet past the proposed building line.

Apparently, your records on the transfer of square 570 do not include a metes and bounds description but only an area. The area listed, however, appears not to include any right of way.

We will need not only the use of the land to the freeway wall, but also air rights for a plaza over the freeway.

The D.C. Government informs us that they cannot, under current legislation, sell GSA this property without either condemnation or special legislation since title is held by the District as a municipal corporation. The air rights for the plaza can only be done by legislation.

A consent bill would seem to be the best solution, but Tax Court officials indicate there is at least one member of Congress who is opposed to the project.

We request, therefore, that you proceed with condemnation on the land shown on the attached drawing. We have also enclosed a sample of an agreement between the District of Columbia and a Federal agency that will be used in a similar case.

In addition, we request that you arrange for an exchange of property as shown at the north end of the site for an equal amount of right of way at the southern end. This is to make the site more symmetrical with the D and E Street Bridges, a requirement of the National Capital Planning Commission. Also, we need a permit to install steps and an areaway in the right of way as shown on the northwest corner of the building.

We have discussed the above items with Mr. Wilbur Compton, Chief, Right of Way Division, Department of Highways, District of Columbia (telephone 629-3983), who is available for additional information.

2

Our present schedule is as follows:

Bid Invitation Date: 4-26-72

Bid Opening Date: 6-7-72

Contract Award: 6-21-72

We anticipate having a survey and legal description of the required land on March 15, 1972, which leaves about 6 weeks before the BID. We understand that this is adequate time to file a Declaration of Taking and permit us to proceed with the building.



H. F. OFFENBACHER
Director, Design and
Construction Division

Enclosure

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SPACE MGMT DIV
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OFFICE OF THE SECRETARY
PUBLIC AFFAIRS
SPACE MANAGEMENT
DIVISION

DOWNTOWN PROGRESS

National Capital Downtown Committee, Inc.

INTEROFFICE MEMORANDUM

TO: Knox Banner DATE: March 8, 1972
FROM: Robert N. Gray
SUBJECT: U. S. Tax Court Building

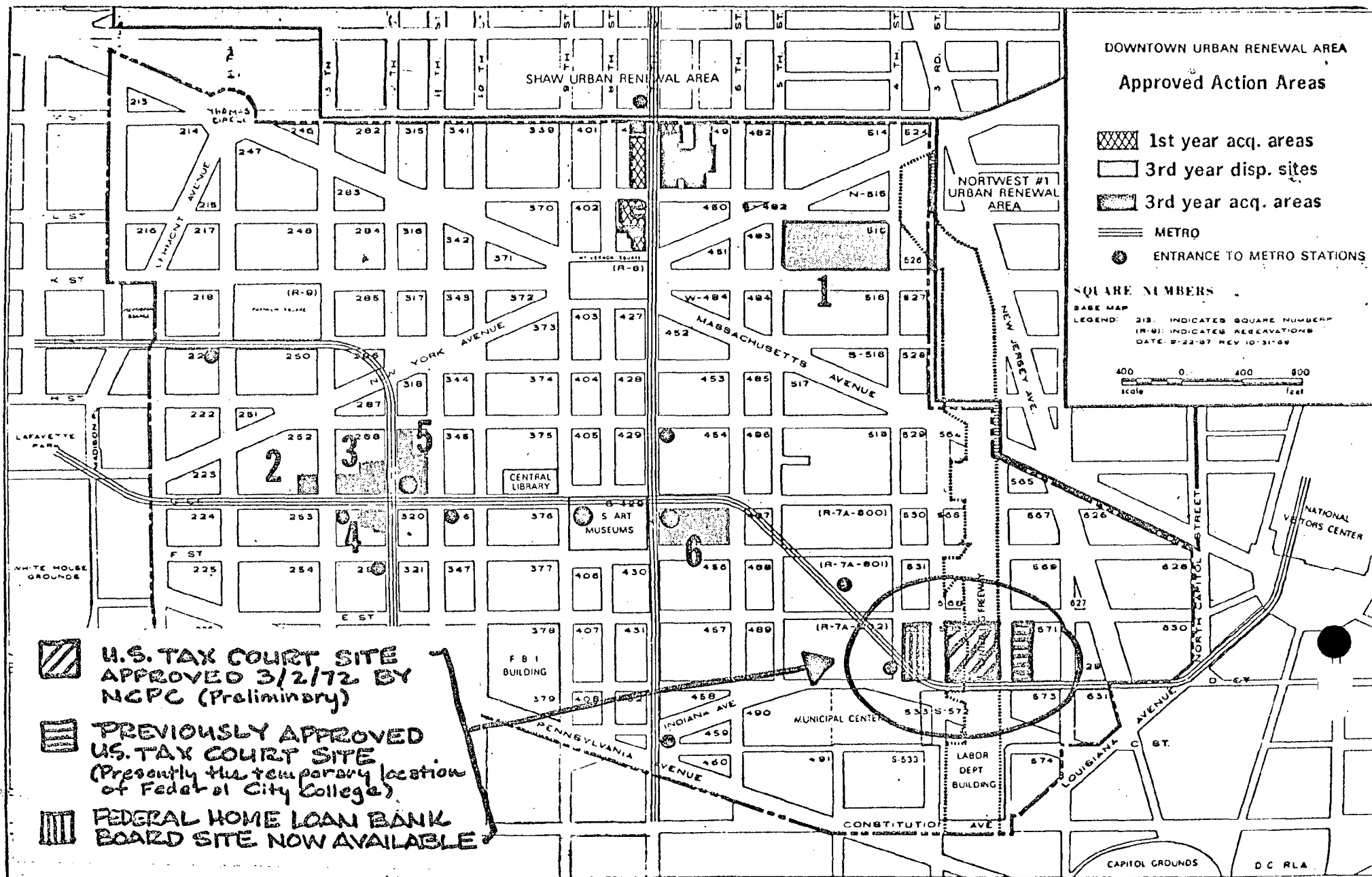
At the National Capital Planning Commission meeting held on March 2, 1972, preliminary site plan approval was given for construction of the U. S. Tax Court Building at 3rd and D Streets, N. W., in Square 570 (2-3-D-E). As shown on the attached maps, previously the U. S. Tax Court Building was to have been constructed to the east of this site in Square 571 (1-2-D-E), where the Federal City College now occupies temporary quarters. The new site in Square 570 was purchased from the Federal Home Loan Bank Board because the U. S. Tax Court is ready to build, and the Federal City College is not ready to vacate its temporary quarters.

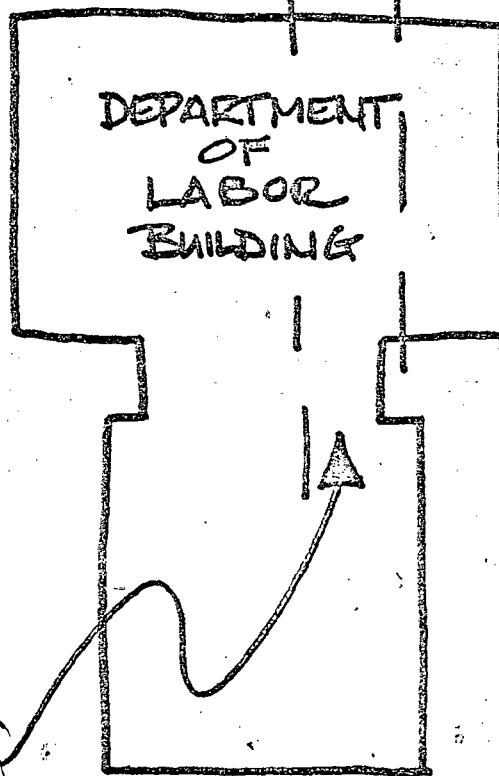
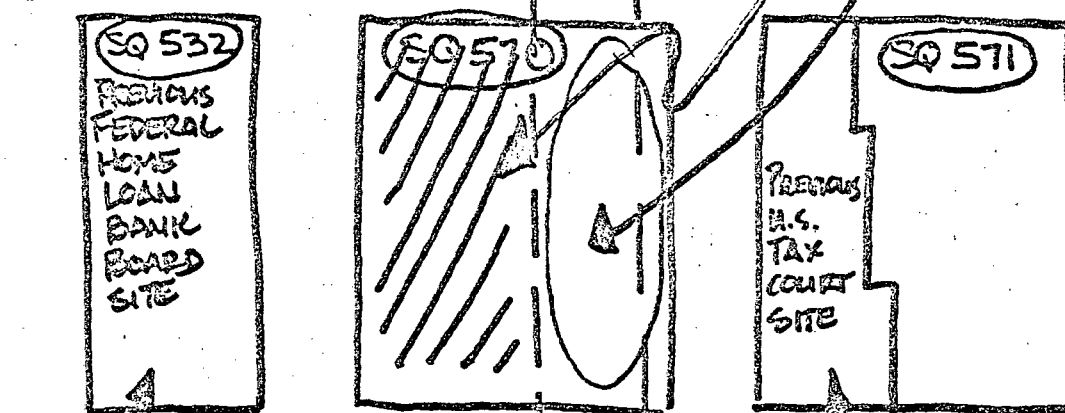
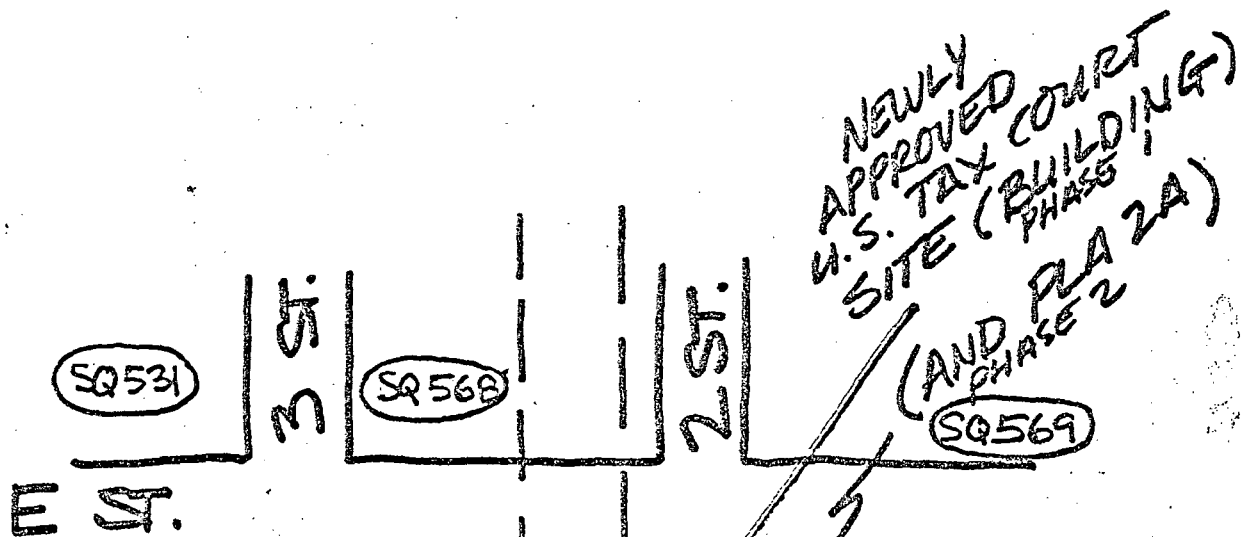
The U. S. Tax Court Building will occupy the western portion of Square 570 with pedestrian access from 3rd Street, N. W. However, the building will face east. The Center Leg freeway occupies the eastern portion of this square. During the first phase of construction, the building will be built (the building design and size are unchanged: 162,000 square feet, five floors, 90 parking spaces below grade). During the second phase of construction an air-rights plaza will be built in front of the building over the Center Leg freeway. A construction timetable was not made available, and before construction can begin, NCPC must approve final site and

March 8, 1972

and building plans. It is anticipated that the site in Square 571 now occupied by the Federal City College will eventually be used for a Federal office building.

The Federal Home Loan Bank Board, which until recently was planning to build in Square 532 (3-4-D-E), is now seeking a site closer to The White House. This means the future use of Square 532 is indefinite, although it is expected that an office building for use by the District of Columbia Government will be built there as the Municipal Center complex develops.





SITE LIKELY TO BE USED FOR OFFICE BLDG BUILT FOR D.C. GOV'T

CENTER LEG FREEWAY

SITE LIKELY TO BE USED FOR CONSTRUCTION OF A FEDERAL OFFICE BUILDING ONCE FEDERAL CITY COLLEGE RELOCATES

PROFESSIONAL ENGINEERS INCORPORATED

CONSULTING ENGINEERS

5001 Seminary Road Suite 204, Alexandria, Va. 22311

Telephone (703) 931-0100

March 10, 1972

Leroy T. Gravatte, III
President

D. Anthony Beale
Vice President

Mr. Dwain Warne
Professional Services
General Services Administration
18 & F Streets, N.W., Room 5338
Washington, D.C. 20006

Dear Dwain:

Pursuant to your request of March 2, we have prepared a detailed legal description of those portions of Square 570 which will involve the U.S. Tax Court. The legal descriptions have been divided into that area of right-of-way which must be acquired from the right-of-way of Interstate 95 and that portion contained in Parcel 1. I want to remind you that both alleys in Parcel 1 have not been condemned at this time.

We have also completed our topographical survey and plotting of said survey within the Interstate 95 area. This information was forwarded to Mr. Lundy through LBC&W Associates of Virginia.

Following are the aforesaid legal descriptions:

Legal Description of a Portion
of Square 570, Washington, D.C.

Parcel 1 - being all of lots 811, 812, 813, 824, 825, 829, 831, 832, 834, 835, 836, 837, 838, and a portion of a 15 foot public alley and a portion of a 10 foot public alley;

Beginning at a point, said point being the intersection of the north right-of-way line of D Street and the east right-of-way line of 3rd Street; thence with the east right-of-way line of 3rd Street due N 405.75 feet to a point, said point being the intersection of the east right-of-way line of 3rd Street and the south right-of-way line of E Street; thence with the south right-of-way line of E Street due E 110.50 feet to a point, said point being the corner to lot 813 and the line acquired for Interstate Route 95 right-of-way; thence with the Interstate Route 95 western right-of-way line the following courses

Mr. Dwain Warne

Page 2

March 10, 1972

and distances: due S 122.00 feet; due E 9.62 feet; S $45^{\circ}00'$ E 21.21 feet; due S 118.50 feet; S $45^{\circ}00'$ W 21.21 feet; due W 9.87 feet; thence due S 135.25 feet to a point, said point being a corner common with the western right-of-way line of Interstate Route 95 and the north right-of-way of D Street; thence with the north right-of-way line of D Street due W 110.25 feet to the point of beginning and containing 48.229.49 square feet.

Legal Description of a Portion
of Square 570, Washington, D.C.
as Acquired for the Interstate Route 95 right-of-way

Beginning at a point, said point being the intersection of the north right-of-way line of D Street and the west right-of-way line of Interstate Route 95; thence with the west right-of-way line of Interstate Route 95 the following courses and distances; due N 135.25 feet; due E 9.87 feet; N $45^{\circ}00'$ E 21.21 feet; due N 118.50 feet; N $45^{\circ}00'$ W 21.21 feet; due W 9.62 feet; due N 122.00 feet to a point, said point being the intersection of the west right-of-way line of Interstate Route 95 and the south right-of-way of E Street due E approximately 45 feet to the western face of the western retaining wall of Interstate Route 95; thence along the western face of the western retaining wall of Interstate Route 95 in a southern direction to the intersection of the aforementioned retaining wall and the north right-of-way line of D Street; thence with the north right-of-way line of D Street due W approximately 47 feet to the point of beginning, and intended to include all the land between the western face of the western retaining wall and the western right-of-way line of Interstate Route 95.

Should you have any further questions regarding the above, do not hesitate to contact me.

Sincerely,

Leroy T. Gravatte, III
PROFESSIONAL ENGINEER

LTG/ss

GSA
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OFFICE OF OPERATING
PROGRAMS
SPACE MANAGEMENT
DIVISION

GSA - PBS

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OFFICE OF OPERATING
PROGRAMS
ADMINISTRATIVE STAFF

GENERAL SERVICES
REGION 9

APR 4 3 55 PM '72

PUBLIC BLDG SERVICE
SPACE MGMT DIV
LEASING

March 22, 1972

SJF
33-9-0

Corporation Counsel's Office
Room 316, District Building
14th and E Streets, N. W.
Washington, D. C. 20004

Attention: Thomas C. Bell, Esquire
Assistant Corporation Counsel

Gentlemen:

As you know, the United States Tax Court currently is acquiring from the Federal Home Loan Bank Board the west portion of Square 570; this tract consists of about a third of the area in Square 570, and faces on 3rd Street, N. W., between D and E Streets. The eastern two-thirds portion of this Square was acquired sometime earlier by the District of Columbia as a part of the right-of-way for the Inner Beltway portion of Interstate 95, in that part just north of the Mall between 2nd and 3rd Streets, N. W.

Funds have been appropriated by Congress to the Tax Court for the construction of a courthouse on the site being acquired from the Home Loan Bank Board. However, it has been known by the Tax Court and General Services Administration (which agency will construct the building) that it also would be necessary to acquire from the District that part of the interstate highway right-of-way which lies west of the roadway retaining wall now in place between D and E Streets, N. W., as well as the necessary rights for the construction of the Plaza over and on the right-of-way. The funds appropriated by Congress covers both the construction of the Tax Court building and a Plaza (park areas and pedestrian walks) to be built in front of the Tax Court building over the Interstate Highway right-of-way and to connect with 2nd Street, N. W.

The Tax Court and General Services Administration have been in discussion with the D.C. Highway Department and, therefore, these plans are known to the Department which has expressed no disagreement or opposition. Such plans also have been recommended and approved by the National Capital Planning Commission and the Fine Arts Commission.

Assuming the possibility that the Tax Court might be asked to cover certain costs of land acquisition incurred by the District, this office has been asked by the Court to obtain informal advice regarding the expenditures made by the District in acquiring the area described above on which the Tax Court must obtain title in order to go forward with the building and plaza construction. Your assistance in supplying this office with such advice will be appreciated. The Tax Court will obtain from the Bank Board title to the area in Square 570 (including the alleyways) which lies west to 3rd Street from the easterly boundary lines of Blocks 832, 838, 837, 836, 835, 834 and 813. Please see the attached typed plot of Square 570 for the outline of this area.

The tract within the interstate right-of-way which the Tax Court seeks to acquire from the District is the land contained in the area which can be described as follows:

In Square 570, District of Columbia, beginning at a point on the north right-of-way line of D Street due E 110.25 feet from the east right-of-way line of 3rd Street, such point being the intersection of the west right-of-way line of Interstate Route 95; thence, with the west right-of-way line of Interstate Route 95 the following courses and distances: due N 120.00 feet, and from such point to a point on the southerly boundary line of Block 838 established as due E 120.12 feet from the east right-of-way line of 3rd Street; thence N 45°00' E 21.21 feet; due N 118.00 feet; thence to a point of intersection with the southerly boundary line of Block 813 established as due E 110.50 feet from the west right-of-way line of 3rd Street; from said point

of intersection due N 112.00 feet to a point on the south right-of-way of E Street, such point being the intersection of the west right-of-way line of Interstate Route 95 at the south right-of-way of E Street, due E 45 feet, more or less, to the western face of the western retaining wall of Interstate Route 95; thence along the western face of the western retaining wall of Interstate 95 in a southerly direction to the intersection of the aforementioned retaining wall and the north right-of-way line of D Street; thence with the north right-of-way of D Street due W 47 feet, more or less, to the point of beginning, and intended to include all the land between the western face of the western retaining wall and the western right-of-way course lines of Interstate Route 95.

Your prompt assistance in supplying this information will be greatly appreciated. The Court advises that time is of essence in meeting deadlines for the acquisition of this property.

Sincerely,

STANLEY J. FINEMAN
Attorney, Department of Justice
9th and Pennsylvania Avenue, N. W.
Washington, D. C. 20530

Enclosure

1215 MAY 51 AM 2 54

March 27, 1972

7/12/4/72
PMRA-13
PMRAP

Memorandum

To: Chief Judge Drennen
Judge Fay, Chairman, Building Committee
Mr. William F. Huffman, Executive Director

Subject: Data re cost to D.C. of I-95 right-of-way,
between D and E Streets, N.W.

Attached is a copy of a letter, with date of March 22, 1972, from Stanley J. Fineman, Justice Department, to Thomas C. Bell, D.C. Assistant Corporation Counsel, in which request is made for cost figures on the right-of-way property the Tax Court proposes to acquire. This letter was drafted here for Mr. Fineman because Mr. Bell asked for a written request. We are hopeful for a prompt response.

Based on the measurements and courses supplied to Mr. Warne by Mr. Leroy T. Gravatte, III, in his letter of March 10, 1972, I have made a rough computation of the square footage that would lie in the right-of-way tract which the Court must acquire west of the roadway retaining wall in Square 570. My arithmetic indicates that the tract contains approximately 14,365 sq. ft. Within this area, I estimate about 1,065 sq. ft. of alleyway which, we are told, required no condemnation or purchase by the District. The estimated net area purchased by condemnation would be 13,300 square feet. If we can properly assume (as informally advised by Justice Department personnel) that the District paid an average of \$35.00 a square foot for this land, this part of Square 570 would have cost \$465,500.00 to acquire. The 10% part supplied by the District would be \$46,550.00; this is the amount for which the District might seek reimbursement, unless they can be "talked" out of asking for repayment. Allowing for adjustments in either the price paid or the total square footage more accurately computed (or both), it would appear reasonable that the additional land cost to the Court should not exceed \$50,000.00.

O. W. Schoenfelder

Attachment

April 3, 1972

Memorandum for the File

Subject: Conference with GSA officials regarding the procedure to be adopted to acquire title and air-space rights in I-95 right-of-way, Square 570, D.C.

O.W. Schoenfelder requested conference with Mr. Matthew Long, Director, Space Management Division, GSA, at which Mr. James McMahon, Chief, Acquisition Branch, and Mr. Dwain Warne, GSA Project Coordinator also were present. Meeting was held in Long's office Friday, March 31, 1972, at 1:30 p.m.

Schoenfelder indicated that the Tax Court was interested in expediting the acquisition of the right-of-way tract needed for the building site (which is a strip of approximately 8 to 10 feet in width, between D and E Streets, to the east of the tract now being acquired from the Home Loan Bank Board); the additional right-of-way to the present I-95 roadway retaining wall, needed for the ramps and surface drive (or street) in front of the Tax Court Building steps; and the air-space rights and land rights needed to cross the I-95 right-of-way for the construction of the so-called "plaza" (pedestrian walk and parkway).

From his study of the problem, Schoenfelder believed there were three approaches which could be undertaken to obtain the needed title and rights:

1. By condemnation procedures to obtain title to the land required in the I-95 right-of-way; and by proper authorization from the District for the use of I-95 right-of-way air space.
2. By act of Congress which would direct D.C. conveyance of title in the land required in the I-95 right-of-way and which would direct approval of the required I-95 right-of-way air space use, for the building and plaza authorized by Congress to be constructed.

3. By obtaining the approval of the Federal Highway Administrator and the Mayor-Commissioner of the District of Columbia Government to a "one-deal" package agreement approving the title to or transfer of the land needed in the I-95 right-of-way, and the authorization to use the required air-space for the combined Building and Plaza project.

Schoenfelder made reference to the discretionary authority of the Federal Highway Administrator, cited the Highway Administration Regulations (23 CFR 1.23(c)) and asked for Long's judgment as to the feasibility of proceeding as indicated in Item 3. If it were possible to achieve such agreement at the "top-level" it might expedite the acquisition of all land title and air-space use rights simultaneously. Also, if a "high-level" agreement could be obtained, the inter-relating and mutual benefits to the U.S. Government and District Government might be acknowledged with agreement to disregard need for any payments or reimbursement to either party. It also would assure the completion of both Phase 1 and Phase 2 without any further land title or right problem. Schoenfelder indicated that he was disturbed with a feeling that acquisition of the land title by condemnation procedures likely would result in the request by both the District and the Federal Highway Administration for full or substantial reimbursement of the cost of the right-of-way land purchased by earlier condemnation. This cost could be an added burden of \$465,000 to \$500,000 on the project funds appropriated to the Court. Schoenfelder would like to avoid this cost, in whole or in large part, if possible. The Court wants to complete this project without asking Congress for additional funds.

Long said that Congress likely would not consider it necessary to enact legislation, if condemnation procedures can be used to obtain title to the right-of-way land required for the Building project. He also indicated that it is essential for the U.S. Government to obtain, as promptly as possible, title to the right-of-way land needed for the Building project construction. He thinks it best to take each step at a time, in order to get the first step done quickly. Also, it is his thought that the District may agree to a "friendly" condemnation with only a "token" or "recited" compensation for the land taken by the U.S. Government (for which it has already paid 90%).

Long referred to the fact that the District gets from the U.S. Government "rent-free" the use of the building and premises on 2nd Street, between D and E, for use by Federal City College. Also, the "plaza" to be built and the roadway leading to it will provide public "ways" and "park" areas in the District open to public use, on which agreement must be reached for maintenance.

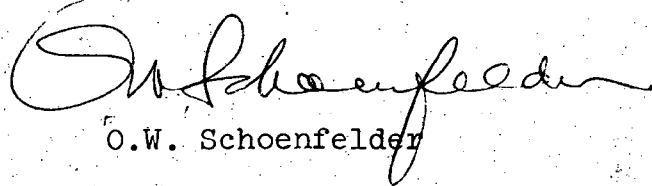
It was agreed that there was a good possibility of getting some favorable agreement from the District on condemnation. Schoenfelder expressed the hope to Long that he could persuade the D.C. Highway Department to settle for "one dollar and other considerations". It was conceded that an effort to get a "one-package" deal might develop into lengthy negotiations which would not be desirable from the standpoint of the Court's objective to get the Building project under contract prior to June 30, 1972.

It was concluded: GSA holds the responsibility for the prompt acquisition of the right-of-way land title and the obtaining of the authorization for the use of right-of-way air space, therefore, they should proceed as quickly as possible to accomplish both needs. Long promised to get the job done satisfactorily and asked that Chief Judge Drennen and Judge Fay, Chairman, T.C. Building Committee be reassured that all necessary land titles and rights would be obtained within the required deadlines.

Long said that the approval of the Office of Management and Budget was pending on the clearance of the funds for the purchase of the land from the Home Loan Bank Board. The GSA request for approval had gone to OMB on Monday, March 27, 1972. Long wants to get this purchase "wrapped-up" before sending papers forward to "take" the right-of-way land.

Schoenfelder stated that Bill Huffman, or he, would communicate with OMB as soon as he returned to his office (3:00 p.m., Friday). Schoenfelder called Bill Boleyn, at OMB, upon Mr. Keeter's suggestion that Mr. Boleyn could get information and action most quickly. Mr. Boleyn took the request and today (Monday, April 3, 1972) responded that there appeared to be no problem; OMB had received the GSA request during the course of

last week, it was now being handled. Because the request requires the Director's approval and signature, Mr. Boleyn couldn't make a specific promise but he was sure it would get prompt action. If there is any block, he will let me know.

A handwritten signature in cursive script, appearing to read "O.W. Schoenfelder".

O.W. Schoenfelder

Mail: I trust that this represents a fair, reasonably accurate recitation of our meeting discussion. I include a copy also for Jim McMahon. April 3, 1972
Thanks very much for your counsel.

Memorandum to: Chief Judge Drennen
Judge Fay, Chairman, Building Committee *W*
Mr. William F. Huffman, Executive Director

Attached is a memorandum record of the conference discussion held with GSA officials last Friday afternoon (March 31) regarding the best approach for the acquisition of title to the I-95 right-of-way land needed for the Tax Court Building project, as well as the air-space rights needed over the I-95 right-of-way for the Plaza (phase 2) project. This record was prepared to inform you of the conclusion reached at the meeting and the assurances received from Mr. Long and his associates.

There also is attached for your reference the U.S. Code and Regulations pertinent to this matter (23 USCA 111; 23 CFR 1.23).

Should you desire any further clarification or explanation on the matter of title or air-space right, please let me know.

O.W. Schoenfelder
O.W. Schoenfelder

Attachments

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VLS
113
113